

## Combined Declaration and Power of Attorney for Patent Application

Docket Number: 00801.0137.CPUS04

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled CYTOPLASMIC GENE INHIBITION OR GENE EXPRESSION IN TRANSFECTED PLANTS BY A TOBRAVIRAL VECTOR the specification of which is attached hereto unless the following box is checked:

☒ was filed on January 25, 2001;  
as United States Application Number or PCT International Application Number 09/771,035; and  
was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

☒ Yes ☐ No

PCT/US00/20261  
(Application No.)

PCT  
(Country)

July 21, 2000  
(Day/Month/Year Filed)

☐ Yes ☐ No

\_\_\_\_\_  
(Application No.)

\_\_\_\_\_  
(Country)

\_\_\_\_\_  
(Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

\_\_\_\_\_  
(Application No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application No.)

\_\_\_\_\_  
(Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>09/232,170</u> (Application No.)	<u>January 15, 1999</u> (Filing Date)	<u>Pending</u> (Status - patented, pending, abandoned)
<u>09/008,186</u> (Application No.)	<u>January 16, 1998</u> (Filing Date)	<u>Pending</u> (Status - patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Jason C. Abair, Reg. No. 44,007	Christopher L. Kelley, Reg. No. 42,714
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor <b>Peter D. ROBERTS</b>	
Inventor's signature <i>PA Roberts</i>	Date <i>5/24/01</i>
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Second inventor's signature <i>Andy Vaewhongs</i>	Date <i>5/23/01</i>
Residence 999 Marshall #40, Vacaville, California 95684	
Citizenship USA	
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Full name of third inventor <b>Monto H. KUMAGAI</b>	
Third inventor's signature <i>Monto H. Kumagai</i>	Date <i>May 17, 2001</i>
Residence 3030 Lowrey Avenue #119, Honolulu, Hawaii 96822	
Citizenship USA	
Post Office Address	

(Supply similar information and signature for subsequent joint inventors, if any)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: )  
KUMAGAI, et al. )  
Serial No. 09/771,035 ) Group Art Unit:  
Filed: January 25, 2001 ) Examiner:  
For: **Cytoplasmic Gene Inhibition or** )  
**Gene Expression in Transfected Plants by** )  
**Tobraviral Vector** )

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Commissioner for Patents  
Washington, D.C. 20231

**ASSOCIATE POWER OF ATTORNEY/AUTHORIZATION OF AGENT**

Sir:

In accordance with 37 CFR §§1.34(a) and/or 1.34(b), the undersigned, Thomas Gallegos, hereby appoints:

**Customer No. 25871**

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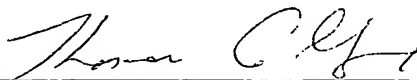
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Thomas Gallegos, Reg. No. 32,692

as associate attorneys/agents of record in the above-referenced patent application, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

I, Thomas Gallegos, am in-house patent counsel at Large Scale Biology Corporation and am a representative of the inventors of the instant application under 37 CFR § 1.31.

Respectfully submitted,

Date: 7-22-02

By: 

Thomas Gallegos  
Sr. Director, Intellectual Property  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )  
KUMAGAI, et al. )  
Serial No. 09/771,035 ) Group Art Unit:  
Filed: January 25, 2001 ) Examiner:  
For: **Cytoplasmic Gene Inhibition or** )  
**Gene Expression in Transfected Plants by** )  
**Tobraviral Vector** )

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Commissioner for Patents  
Washington, D.C. 20231

CHANGE IN CORRESPONDENCE ADDRESS

Sir:

I am the agent of record in the above-referenced patent application. The CORRESPONDENCE ADDRESS for this application has changed. Please use the address below (and phone number) for all future Office Actions and correspondence. Thank you.

Customer No. 25871  
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Respectfully submitted,

Date: 7-22-02

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